

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION**

JOY D. ODOM,

Plaintiff,

vs.

WAL-MART STORES EAST, LP

Defendant.

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CASE NO. 2:12CV98 KS-MTP

**WAL-MART STORES EAST, L.P.'S
MOTION FOR SUMMARY JUDGMENT**

COMES NOW the Defendant, Wal-Mart Stores East, L.P. (hereinafter “Wal-Mart”), and pursuant to Rule 56 of the *Federal Rules of Civil Procedure* files this its Motion for Summary Judgment and would show unto the Court that no genuine issue of material fact exists as to Plaintiff’s allegations against it and that Wal-Mart is due to prevail as a matter of law. In so moving, Wal-Mart relies upon the following, to wit:

1. All pleadings previously filed herein;
2. Its Brief in support of its Motion for Summary Judgment, filed concurrently;
3. Wal-Mart’s Undisputed Findings of Fact and Conclusions of Law, filed concurrently.
4. Deposition of Joy Odom, specifically pages 14, 16-20, 22, 24-30, 34-35;
5. Deposition of Vic Ellis, specifically pages 10-12, 15-17, 21-24;

6. Deposition of Faye Ellis, specifically pages 9-19.

WHEREFORE, premises considered, the defendant, Wal-Mart Stores East, L.P., respectfully requests this Court enter an Order granting it summary judgment as to the Plaintiff's complaint and all allegations contained therein against it, each and every count thereof, separately and severally.

Dated: March 14, 2013

/s/ W. Pemble DeLashmet
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CERTIFICATE OF SERVICE

I hereby certify that I have on this 14th day of March, 2013, electronically filed the forgoing document with the Clerk of the Court using the ECF System which sent notification of such filing to Lester Clark, Jr., Esquire, attorney for Plaintiff.

/s/ W. Pemble DeLashmet
OF COUNSEL